

## **REMARKS**

### **Specification**

An amended Figure 2 is provided in which the reference numerals 103 (control function) and 106 (data packet) have been added in red for approval.

The specification at page 15, line 21 and page 21, line 18 has been amended in the manner suggested by the Examiner.

Regarding the objection to the use of the term 'ADSL' at page 20, line 22, it is respectfully noted that xDSL is a well-known term in the art which generally refers to digital subscriber line technologies, and includes such technologies as ADSL (Asymmetrical Digital Subscriber line) and HDSL.

Applicant has taken this opportunity to correct several other typographical errors in the specification.

### **Drawings**

In Figure 4, the input to step 220 labeled "A" is the output of step 218, at the bottom of the Figure. A further copy of the Figure is provided in case the label at the base of the Figure had been cropped during photocopying.

### **Claim Rejections – 35 USC § 112**

The following amendments to the claims are considered to overcome the rejections under 35 USC § 112:

- a. Claim 18 now consistently refers to "distribution gateway" or "distribution gateways".

- b. Claim 22 has been reworded in a manner to overcome the rejection.
- c. In Claim 24, the reference to “distribution point” has been replaced by “home-gateway.”
- d. The final clause of claim 31 now explicitly recites the two sets of code that were intended to be covered by the term “codes”.
- e. Claim 35 now explicitly recites the relationship between home gateways.
- f. Claim 44 now refers to “the direct isolated connection.”

#### **Claim Rejections – 35 USC § 102**

Examiner rejects claims 1-2, 5, 9, 11, 14, 18-19, 21, 24-26, 29, 31-32, 34, 40, 41 and 43 under 35 USC § 102 as being anticipated by *Kamm et al.* (US 5,457,680). It is respectfully submitted that these claims are patentably distinguished over *Kamm* in view of the following remarks.

*Kamm* shows a network which delivers data packets to mobile data terminals. A data network is connected to several gateways 104, 204. As shown in Figure 1A, each gateway serves a unique pair of base stations, with gateway 104 serving base stations B1, B2 and gateway 204 serving base stations B3, B4. *Kamm* describes (see Fig. 1E, col.7 lines 4-34, and Fig.1I steps 502-508) how data packets are delivered to the home gateway and are then forwarded to another gateway, depending on the location of the mobile data terminal at that time.

In accordance with the present invention several gateways each have an isolated connection (such as an xDSL connection) to a core network. The gateways are interconnected to form a ‘neighborhood’. If an isolated connection to a first gateway

is unable to support access to the core network, then the core network is accessed by an indirect path, i.e. via a second gateway and the isolated connection between the second gateway and core network. The inability of the first isolated connection to support access to the network may be due to a lack of available bandwidth (e.g. the first isolated connection is operating at full capacity) or due to a fault with the first isolated connection. It is submitted that this operation of the gateways is distinctly different from that taught by *Kamm*. *Kamm* does not teach how the ability of an isolated connection between a gateway and a core network to support access to the core network determines whether a direct or indirect connection is used between the gateway and the core network.

Claims 1, 9, 18, 24, 31 and 40 have been amended to further clarify this distinction.

In relation to claim 43, it is noted that *Kamm* does not teach how data packets are sent in an un-encrypted form across a direct isolated connection existing between the network and the distribution gateway and sent in an encrypted form across an indirect isolated connection existing between the network. Consequently, claim 43 is not anticipated by *Kamm*.

Rejected dependent claims 2, 5, 11, 14, 19, 25, 26, 29, 32, 34 and 41 are also considered allowable at least by virtue of their dependency on an allowable base claim.

#### **Claim Rejections – 35 USC § 103**

Examiner rejects claims 3, 12, 27 and 42 under 35 USC § 103(a) as being obvious over *Kamm et al* in view of *Mahalingaiah* (US 6,654,346). It is respectfully submitted that the rejected claims are allowable at least by virtue of the allowability of the claims on which they depend.

*Kamm* is deficient for the reasons explained above. *Mahalingaiah* does not provide any teaching of routing between a gateway and a core network via a direct path or indirect path depending on the ability of an isolated connection to support access. Therefore, even a combination of *Kamm* and *Mahalingaiah* does not disclose the features of claims 1, 9, 24 or 40, from which the rejected claims depend.

Examiner rejects claims 4, 13, 20, 28 and 33 under 35 USC § 103(a) as being obvious over *Kamm et al* in view of *Shionozaki* (US 6,496,479). These claims are considered to be allowable at least by virtue of the allowability of the claims on which they depend.

*Kamm* is deficient for the reasons explained above. *Shionozaki* does not provide any teaching of routing between a gateway and a core network via a direct path or indirect path depending on the ability of an isolated connection to support access. Therefore, even a combination of *Kamm* and *Shionozaki* does not disclose the features of claims 1, 9, 18, 24 or 31, from which the rejected claims depend.

Examiner rejects claims 6-8, 10, 15-17, 22-23, 30, 35-36 and 38-39 under 35 USC § 103(a) as being obvious over *Kamm et al.* in view of *Davis et al.* (US 6,167,389). These claims are considered to be allowable at least by virtue of the allowability of the claims on which they depend.

*Kamm* is deficient for the reasons explained above. *Davis* does not provide any teaching of routing between a gateway and a core network via a direct path or indirect path depending on the ability of an isolated connection to support access. Therefore, even a combination of *Kamm* and *Davis* does not disclose the features of claims 1, 9, 18, 24 or 31, from which the rejected claims depend.

Examiner rejects claim 37 under 35 USC § 103(a) as being obvious over *Kamm et al* in view of *Davis* and further in view of *Shionozaki*. This claim is considered to be allowable at least by virtue of the allowability of claim 36 on which it depends.

*Kamm* is deficient for the reasons explained above. Neither *Davis* nor *Shionozaki* provide any teaching of routing between a gateway and a core network via a direct path or indirect path depending on the ability of an isolated connection to support access. Therefore, even a combination of *Kamm*, *Davis* and *Shionozaki* does not disclose the features of claim 36 from which the rejected claim depends.

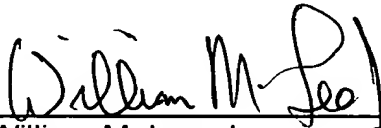
**Allowable Subject Matter**

The Examiner's indication of the allowability of claims 44-46 is noted and appreciated. In view of the amendment to claim 44 to overcome the 35 U.S.C. 112 rejection, Applicant respectfully considers claims 44-46 are now in condition for allowance.

For the foregoing reasons, Applicant respectfully submits that the claims pending in this application are in condition for allowance. Early issuance of a Notice of Allowance is solicited.

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Respectfully submitted,

  
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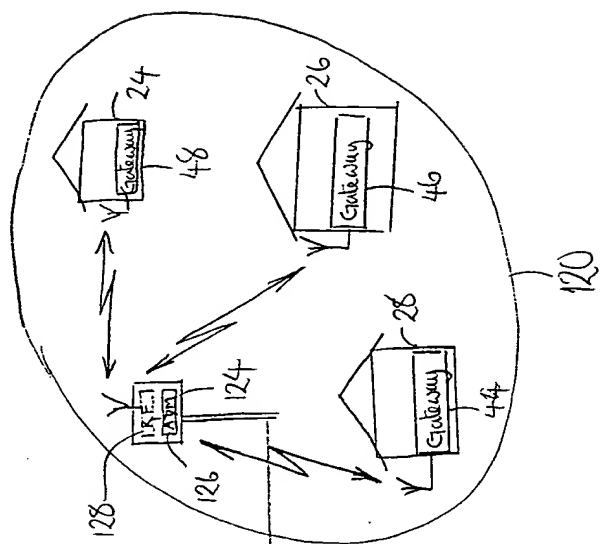


FIG. 2

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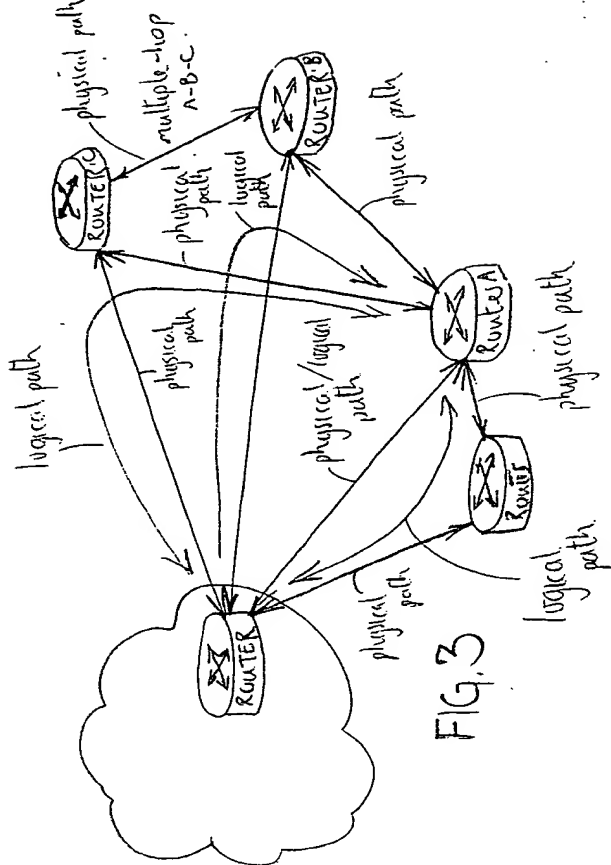


FIG. 3

